

Message Text

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PAGE 01 PANAMA 02516 122214Z
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
-----108428 122219Z /61
O 122148Z APR 78
FM AMEMBASSY PANAMA
TO SECSTATE WASHDC IMMEDIATE 6538

C O N F I D E N T I A L PANAMA 2516

STADIS//////////

EXDIS

FOR H/BENNETT AND L/HANSELL

E.O. 11652: GDS
TAGS: PGOV, PN
SUBJECT: BROOKE RESERVATION AND UNDERSTANDING

REF: STATE 093108

1. I HAVE CONSULTED WITH THE PANAMANIAN TREATY TEAM REGARDING
THE RESERVATION AND UNDERSTANDING IN REFTEL. REACTION
FOLLOWS.

2. THE RESERVATION SETTING MARCH 31, 1979 AS THE DATE
FOR EXCHANGE OF INSTRUMENTS OF RATIFICATION CAUSES MAJOR
PROBLEMS FOR PANAMA. THESE OFFICIALS POINT OUT THAT THE
INTERNAL DEBATE ON THE TREATY WILL CONTINUE RIGHT UP TO
THE TIME OF THE EXCHANGE. AND THAT KIND OF PROTRACTED
DEBATE--WHICH WILL CENTER ON A WIDE VARIETY OF ISSUES
TOTALLY DISASSOCIATED FROM THE TREATY--WILL BE A DE-
BILITATING PROCESS, A DANGEROUS PROCESS IN WHICH THERE
IS SOME LIKELIHOOD THAT THIS ALREADY TROUBLED SOCIETY WILL
FURTHER FRAGMENT. THE GOP "TREATY TEAM" IS PERSUADED THAT
THIS APPROACH--TO LEAVE THINGS HANGING FOR ANOTHER YEAR--
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WILL CERTAINLY ENDANGER PROSPECTS FOR SUCCESSFUL CONCLUSION
OF THIS LONG HISTORIC PROCESS.

3. THE PANAMANIAN DID NOT REPEAT NOT MAKE THE POINT TO
ME--A POINT THAT I BELIEVE IS CENTRAL IN THEIR CALCULATIONS--
THAT CONTINUED INDECISION WILL HAVE A DEVASTATING EFFECT ON
THEIR ALREADY GRAVE ECONOMIC SITUATION. YOU KNOW FROM OUR

PREVIOUS REPORTING HOW DEEP IS THE ECONOMIC DEPRESSION HERE AND HOW MANY POOR PANAMANIAN ARE SUFFERING FROM UNEMPLOYMENT AND EVEN HUNGER. AND IT IS THE POOREST WHO ARE SUFFERING MOST. THE ELEMENTS FOR EXPLOSION ARE INCREASINGLY PRESENT. ALL OF PANAMA HAS LOOKED TO A NEW TREATY ARRANGEMENT WITH THE US NOT ONLY AS THE REALIZATION OF A DREAM OF PROUD NATIONAL INDEPENDENCE, BUT ALSO AS A MAJOR STEP TOWARD SOLUTION OF THE SEVERE ECONOMIC AGONY THROUGH WHICH IT HAS BEEN PASSING FOR THE PAST SEVERAL YEARS. TO TELL THEM NOW THAT THIS WHOLE PROCESS IS GOING TO STAY UP IN THE AIR FOR ANOTHER YEAR IS AN INTOLERABLE BURDEN TO PUT ON THIS SMALL COUNTRY.

4. THE PANAMANIAN FIND IT DIFFICULT TO UNDERSTAND WHY WE SHOULD TAKE A COMPLICATED PROCESS THAT HAS PASSED THROUGH SOME 14 YEARS OF TRIAL AND ERROR AND NOW, FINALLY, WHEN THAT PROCESS HAS MOVED US SO CLOSE TO REALIZATION OF OUR GOAL, SEEK TO FURTHER DELAY ITS CULMINATION. IT IS DIFFICULT, I KNOW, FOR AMERICANS TO UNDERSTAND THE PERCEPTION HERE OF SUCH A DELAY. BUT WHAT IT ADDS UP TO IS THE SITUATION WE WOULD HAVE IF, SOMEHOW, PANAMA COULD FORCE US TO CONTINUE THE SENATE DEBATE OF THE TREATY FOR ANOTHER YEAR. IT WOULD DRIVE THE SENATE--AND ALL AMERICANS--MAD WITH FRUSTRATION. WE HAVE MANY OTHER IMPORTANT, SOME FAR MORE IMPORTANT, ISSUES TO DEAL WITH. PANAMA HAS THOSE OTHER ISSUES, TOO. BUT THE SUGGESTED APPROACH--HOLDING

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OFF FOR A YEAR--WOULD PREVENT PANAMA FROM GETTING ON WITH THE MANY OTHER ITEMS ON ITS NATIONAL AGENDA. I AM CERTAIN THAT A MAN WITH SENATOR BROOKE'S UNDERSTANDING WILL SENSE FULL WELL THE IMPLICATIONS OF WHAT THE PANAMANIAN HAVE SAID. FROM THEIR POINT OF VIEW, DRAGGING OUT THE BEGINNING OF THE TREATY PROCESS WILL PUT THE TREATIES THEMSELVES IN JEOPARDY.

5. REGARDING THE "UNDERSTANDING" THAT WOULD APPLY TO THE PAYMENT FOR SERVICES, THE PANAMANIAN HAVE TROUBLE UNDERSTANDING WHY WE WISH TO PLAY AROUND WITH THIS. IT IS A MATTER THAT WAS NEGOTIATED LONG AND HARD BY BOTH SIDES. THEY WANTED A HIGHER PAYMENT; WE WANTED A LOWER ONE. WE AGREED ON A MEDIAN WITH THE PROVISION FOR REVIEW AND REVISION AFTER THREE YEARS. OUR PROPOSAL MEANS A SUBSTANTIVE CHANGE IN WHAT IS, AFTER ALL, A VERY MINOR ISSUE. THEY ARE SURPRISED AT A GREAT COUNTRY HAGGLING ABOUT WHAT WOULD SEEM TO BE "NICKELS AND DIMES" IN A MAJOR DOCUMENT OF HISTORY. THEY ALSO NOTE THAT IT PROVIDES FOR REVISIONS IN PAYMENTS IN OUR FAVOR; IT DOES NOTHING FOR PANAMA IN CASE THE COSTS OF PROVIDING THESE SERVICES EXCEED THE SPECIFIED PAYMENTS--EXCEPT IN REVISING THE LEVEL UNDER THE REVIEW

PROCESS AFTER THREE YEARS. THEY SIMPLY CANNOT BELIEVE--
NOR CAN I--THAT ANY SUPERIOR POLITICIAN WOULD REALLY CON-
DITION HIS JUDGMENT OF A MAJOR TREATY ON SO PETTY AN ISSUE.

6. IN ANY CASE, THE NET OF IT IS THAT IF AN UNDERSTANDING
PRESERVED THE PAYMENT LEVEL FOR THE FIRST THREE YEARS BUT
WAS ADJUSTED THEN ON A MUTUAL BASIS--ADDITIONAL PAYMENT
FOR COSTS THAT EXCEEDED PAYMENTS, AND REIMBURSEMENT FOR
PAYMENTS THAT EXCEEDED COSTS--IT WOULD PROBABLY BE ACCEPT-
ABLE. BUT THE PANAMANIAN'S WONDER HOW A GREAT POWER CAN
CONSIDER CLOUDING A UNIQUE DEVELOPMENT IN HISTORY WITH
SUCH A PETTY APPROACH TO A THIRD-LEVEL ISSUE.
JORDEN

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TREATY RATIFICATION, AGREEMENTS, CANALS, GOVERNMENT REACTIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 12 apr 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978PANAMA02516
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780157-1021
Format: TEL
From: PANAMA
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780466/aaaacdpt.tel
Line Count: 128
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 8d2ed0b1-c288-dd11-92da-001cc4696bcc
Office: ACTION SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS, STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS, STADIS
Reference: 78 STATE 93108
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 21 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2994491
Secure: OPEN
Status: NATIVE
Subject: BROOKE RESERVATION AND UNDERSTANDING
TAGS: PGOV, PN, US
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/8d2ed0b1-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014